

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

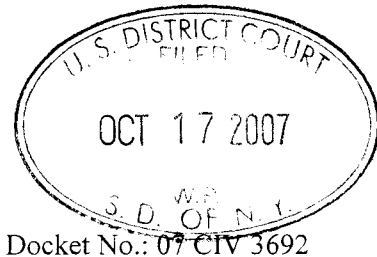
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JOELLEN REVELLA,

Plaintiff,

-against-

KOHL'S DEPARTMENT STORES, INC.,

Defendant.
-----X



**STIPULATION AS TO
LIABILITY ONLY**

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, attorneys of record in the above entitled action, that whereas no party hereto is an infant, incompetent person, for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of the action, that:

1. The Plaintiff herein hereby withdraws, with prejudice, the Causes of Action designated First, Second, Fourth and Fifth. In so doing, the plaintiff's Complaint will hereby be deemed Amended to withdraw the paragraphs designated "22," "23," "24," "25," "26," "30," "31," "32," "33," "34," and "35."

2. The Defendant herein hereby acknowledges that they were negligent in allowing false information about the plaintiff to have been disseminated, when they should have known that such information was false. To that extent, the defendant's Answer will be deemed amended as follows:

As to paragraph "12," of the complaint, the defendant hereby amends their answer to read that such is denied, save to the extent that it is admitted that Kohl's unintentionally allowed said false information to be circulated;

As to paragraph "13," of the complaint, the defendant hereby amends their answer to read that such is denied, save to the extent that it is admitted that said information was communicated to USMA.

As to paragraph "21," of the complaint, the defendant hereby amends their answer to read that such is admitted.

As to paragraph "28," of the complaint, the defendant hereby amends their

answer to read that such is admitted.

3. The Defendant hereby agrees to withdraw their First Affirmative Defense.

4. The Plaintiff herein hereby waives any deposition of the defendants, save only for a single deposition, to be conducted by telephone at a time and date convenient to the defendants, limited strictly to the subject of the plaintiff's damages.

5. Discovery and the trial of this matter will hereby proceed on a damages-only basis.

6. The Ad Damnum clause of the plaintiff's complaint is hereby deemed amended to indicate that the plaintiff is seeking damages in the amount of \$570,000.

Dated: October 16, 2007
Carle Place, New York

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